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Paper No. 10

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**JAN 08 2003**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Wiley et al.	:	
Application No. 10/056,117	:	DECISION GRANTING
Filed: January 28, 2002	:	PETITION
Attorney Docket No. 60006751-2	:	

This is a decision on the petition filed August 28, 2002 to accord the above-identified application a filing date of January 28, 2002.

On January 28, 2002, the application was filed without Figure 3.

On January 29, 2002, a preliminary amendment was filed to add omitted Figure 3.

On February 25, 2002, the Office of Initial Patent Examination mailed a Notice which stated that the application had been accorded a filing date of January 28, 2002, and advising applicants that Figure 3 appeared to have been omitted.

Petitioner replied to the Notice by bringing the Office's attention to the preliminary amendment filed on January 29, 2002. In essence, petitioner acknowledged Figure 3 was missing from the original application and informed the Office that an amendment had been filed seeking entry of the Figure. The Office incorrectly construed petitioner's reply to be a request to enter Figure 3 with a filing date of April 24, 2002. However, petitioner never asked for a later filing date and did not request that Figure 3 be part of the *original* application. Therefore, the petition is **granted**.

The petition fee will be credited to petitioner's deposit account.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. Specifically, John Ryan is not an attorney associated with Customer Number 22879. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 28, 2002, using only the application papers filed on January 28, 2002.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



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for Patent Examination Policy

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